



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/655,816 | 09/05/2003 | Kendall W. Prince | 11640.4 | 7157 |

7590 09/05/2006

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple Street
P.O. Box 45120
Salt Lake City, UT 84145-0120

EXAMINER

A, PHI DIEU TRAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/655,816

Applicant(s)

PRINCE ET AL.

Examiner

Phi D. A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karlsson (4266387) in view of McManus (5893600)

Karlsson (figure 14) shows a method for anchoring an interior window covering (32) adjacent an interior window having a window jamb (36) and an adjacent wall, the method comprising providing a frame substrate (1), coupling to the frame substrate at least one flange (3a), the at least one flange having a depth sufficient to accommodate a hinge (33 and its interior hinging mechanism) attached to the interior window covering, mounting the frame substrate to the at least one of the window jamb and the adjacent wall, attaching the hinge to the interior window covering to the flange.

Karlsson does not show the substrate having by volume an elastic modulus greater than wood.

McManus discloses a substrate (13, figure 2) being made of extruded material.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Karlsson's structure to show the substrate being made of extruded metal as taught by McManus because extruded metal, extruded steel, extruded aluminum are well known material for forming a window supporting substrate.

Art Unit: 3637

Karlsson as modified shows the substrate having by volume an elastic modulus greater than wood.

3. Claims 1, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353).

McLaughlin(figures 1-2) shows an interior window frame assembly comprising an elongate core substrate 22) configured to frame at least a portion of an interior window opening, the substrate comprising a thickness, at least one flange (figure 2, the part of 44 parallel to part 14) attached to the substrate (inherently so as it is one piece), a window covering (18, and the shutters 52) coupled to the at least one flange, the at least one flange is configured to retain at least a portion of a the window covering, the core is configured to retain a hinge attached to the window covering (hinge 28 is attached to the covering and the covering is retain by the core, it thus follows the hinge is retained by the core), a decorative covering (42) coupled to at least one of said substrate and at least one flange (the covering is indirectly attached to one of the substrate or flange through its coupling to jamb 30 and reinforcing plate 40), the decorative covering comprising wood (col 3 line 44-45), the window covering comprising a shutter,

McLaughlin does not show the core substrate having a thickness of less than 5/16 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's core substrate to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall.

Art Unit: 3637

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353) in view of Cotton Jr. (6588159).

McLaughlin as modified shows all the claimed limitations except for substrate comprising at least one material having an elastic modulus greater than 2.3E.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified by Cotton Jr. shows the substrate having at least one material having an elastic modulus greater than 2.3E (per the property of sheet metal).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353) in view of Cotton Jr. (6588159).

McLaughlin as modified shows all the claimed limitations except for substrate being formed of material selected from the group consisting of fiberglass, metal, graphite and reinforced plastic.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting

Art Unit: 3637

bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified by Cotton Jr. shows the substrate being formed of metal.

6. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353) in view of Cotton Jr.

McLaughlin (figures 1-2) shows an interior window frame assembly comprising an elongate core substrate (22), the substrate comprising a thickness, at least one flange (figure 2, the part of 44 parallel to part 14) affixed to a portion of the substrate (inherently so as it is one piece), a window covering (18, and the shutters 52) coupled to the at least one flange, a decorative covering (42) applied to at least a portion of said substrate (the covering is indirectly attached to one of the substrate through its coupling to jamb 30 and reinforcing plate 40), the decorative covering comprising wood (col 3 line 44-45), the decorative covering conceals the portion of the core substrate,, a cross sectional shape of the substrate in combination with the at least one flange corresponds to an L-shape, the decorative covering comprising wood, the window covering comprising a shutter.

McLaughlin does not show the core substrate having a thickness of less than 5/16 inch, and comprising a material having an elastic modulus greater than 2.3E, the substrate being formed of metal.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's structure to show the core substrate having a thickness of less than 5/16 inch, the bracket being formed of sheet metal as taught by Cotton Jr. because it would

Art Unit: 3637

have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall, and sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified further shows the substrate having an elastic modulus greater than 2.3E per the material being sheet metal.

Per claim 10, McLaughlin as modified shows the substrate being formed of metal.

7. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353).

McLaughlin (figures 1-2) shows an interior window frame system comprising a window having an associated window jamb and adjacent wall, a frame substrate mounted to at least one of the window jamb (30) and to the adjacent wall (45, 14), the substrate comprising a thickness, at least one flange (figure 2, the part of 44 parallel to part 14) coupled to the frame substrate (inherently so as it is one piece), a window covering (18, and the shutters 52) coupled to either the frame substrate or the at least one flange, a decorative covering (42) applied to the frame substrate so as to substantially conceal at least a portion of the frame substrate (the covering is indirectly attached to the substrate through its coupling to jamb 30 and reinforcing plate 40), a cross sectional shape of the substrate in combination with the at least one flange corresponds to an L-shape, the decorative covering comprising wood (col 3 line 44-45), the window covering comprising a shutter.

Art Unit: 3637

McLaughlin does not show the substrate having a thickness of less than $5/16$ inch, and comprising a material having an elastic modulus greater than $2.3E$, the substrate being formed of metal.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's structure to show the core substrate having a thickness of less than $5/16$ inch, the bracket being formed of sheet metal as taught by Cotton Jr. because it would have been an obvious matter of engineering design choice to have the thickness being $5/16$ inch as long as the thickness is able to hold the window covering in place to the wall, and sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified further shows the substrate having an elastic modulus greater than $2.3E$ per the material being sheet metal, and the substrate being metal.

Response to Arguments

8. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

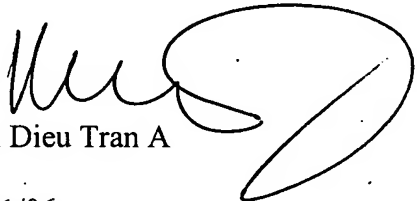
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window openings and coverings thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

Art Unit: 3637

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

8/31/06